IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 6TH MARCH 2007 / 15TH PHALGUNA 1928

WP(C).No. 29807 of 2006(W)

PETITIONER:

ALL KERALA TANK LORRY OPERATORS
ASSOCIATION, REGISTERED OFFICE AT KOCHI BEARING
REGN.NO.ER.27/79, HAVING ITS ADMINISTRATIVE
OFFICE AT LILLY BHAVAN, KORATTY 680308, KERALA
REP.BY ITS GENERAL SECRETARY P.T.THOMAS, AGED 78,
S/O.P.P.THOMAS, LILLY BHAVAN, KORATTY.

BY ADV. SRI.JOHNSON MANAYANI
SRI.P.V.PAULSON

RESPONDENTS:

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1. THE DEPUTY GENERAL MANAGER AND
STATE LEVEL CO-ORDINATOR, INDIAN OIL CORPORATION
LTD., PANAMPILLY NAGAR, KOCHI.

2. THE SR.MANAGER TRANSPORT SOUTH BHARAT
PETROLEUM CORPORATION LTD., RANGANATHAN GARDENS,
ANNA NAGAR P.O., CHENNAI-40.

3. THE SR.REGIONAL MANAGER,
HINDUSTAN PETROLEUM CORPORATION LTD.,
TATAPURAM, ERNAKULAM NORTH, KOCHI.

4. THE DISTRICT COLLECTOR,
COLLECTORATE, ERNAKULAM.

5. THE TRANSPORT COMMISSIONER.
TRANSPORT BHAVAN, TRIVANDRUM.

BY ADV. SRI.N.N.SUGUNAPALAN, SC, BPC
SRI.A.M.SHAFFIQUE
SRI.E.K.NANDAKUMAR
SRI.A.K.JAYASANKAR NAMBIAR
SRI.ANIL D. NAIR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Thottathil B. Radhakrishnan, J.

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W.P.(C)No.29807 of 2006

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Dated this the 6th day of March, 2007.

JUDGMENT

Petitioner is attempting to espouse the cause of those operators of tanker lorries which have already passed the life span of 15 years. Three different petroleum companies are involved in this writ petition. According to the petitioner, the petroleum companies are bound to give effect to the decision reflected by Exts.P1 to P6. A perusal of those documents would not show that there was decision. Learned counsel for the companies, relying on the materials on record, points out that the vehicles aged more than 15 years were weeded out and certain negotiations were held with the involvement of the Government after the operators went on a strike on that issue. I may immediately notice that, going by the decision of this Court, affirming the views of the authorities under the Motor Vehicles Act, the vehicles beyond the life span of 15 years, which were used for commercial purposes, cannot be put to use. There is no power for the Government to dilute

the judicial decisions. Nor is there any statute contradicting the aforesaid propositions. Be that as it may, even assuming that the tanker lorry operators with vehicles aged more than 15 years are let to ply, the materials would show that the rate at which they were being engaged was fixed at par with that of the person whose tender was accepted, being the lowest one. Under such circumstances, I do not find any ground to issue any direction as sought for in this writ petition. Writ Petition fails. It is hence dismissed.

Thottathil B.Radhakrishnan,
Judge.

sl.